

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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MARK NUNEZ; RODNEY BRYE, SHAMEIK  
SMALLWOOD; TRAVIS WOODS; OSCAR SANDERS,  
RALPH NUNEZ; KEITH BACOTE; JOSE DEGROS;  
CHRISTOPHER GRAHAM; SONNY ORTIZ; CLIFFORD  
SEWELL; and LESLIE PICKERING,

Plaintiffs,

- against -

CITY OF NEW YORK; DORA SCHRIRO; FLORENCE  
FINKLE; MICHAEL HOURIHANE; CARMINE  
LABRUZZO; MARK SCOTT; LARRY DAVIS, SR.;  
WARDENS ROSE AGRO, EMMANUEL  
BAILEY, ROBERT CRIPPS, EDMUND DUFFY,  
EVELYN MIRABEL, KATHLEEN MULVEY, CARLTON  
NEWTON; DEPUTY WARDENS RONALD  
JORGENSEN, ERIC RAMOS; ASSISTANT DEPUTY  
WARDEN DANIELLE JOHNSON; CAPTAINS  
WILLIAMS, MAJORS, MASSEY, BEHARI (Shield #  
1603), SISTRUNK, ADEBOYE FADIMA (Shield # 1298),  
THEO PRIMM (Shield # 1497), SHERMA DUNBAR  
(Shield # 717), HERMAN MEDINA; RICHARD  
O'CONNOR (Shield # 915), DECLET (Shield # 652),  
ASHAKI JONES (Shield # 694), JOHN DOE #14, JOHN  
DOE #38; CORRECTIONS OFFICERS KIRKLAND,  
REGINALD ROTHWELL (Shield # 18101), TODD  
BRISHINSKY, SALLEY, SIDNEY DAVIES (Shield #  
13893), MALCOM DAVIS (Shield # 841), OMAR  
ALSTON (Shield # 14091), WALTER DEAN (Shield #  
17183), ATEEN WILLIAMS (Shield # 17038), ROBERT  
ORLANDI (Shield # 15929), LOUIS LEONARD  
(Shield # 3479), CARLOS DIAZ (Shield # 17622);  
ADRIAN DAVIS (Shield # 12736), CORY HUGHES  
(Shield # 18516), SANDYARKHURST (Shield # 18507),  
ERIC THOMPSON (Shield # 18488), QUINN (Shield #  
18532), REMY (Shield # 17286), JASON SOTO  
(Shield # 18062), PAUL BUNTON (Shield #14371),  
BUTTONS, ANTONIO BRAVO (Shield # 17297),  
CHRISTOPHER SANTIAGO (Shield # 13724),  
TUTEIN (Shield # 1643), ROBERT LAMAR (Shield #  
18472), HADDON BAILLIE (Shield # 10470), GUTIERREZ  
(Shield # 11461), AADAM GLENN (Shield # 18616),  
THOMAS, EDWIN SLOLY (Shield # 11678), NEGRON  
(Shield # 14362), JEAN-SIMON (Shield #18692),  
JAMAR MCMORRIS (Shield # 13605), JAIME ROMAN  
(Shield # 18735), SELVIN STULTZ (Shield # 9231),  
SANCHEZ (Shield # 17430), LORENZO (Shield # 18667),  
BERTRAND (Shield # 18841), WELDON and JOHN/JANE  
DOES # 5-7, 11-13 15-37, 39-59, 65-66,

Defendants.

-----X

The defendants, MASSEY, DECLET, ARKHURST, SANTIAGO,  
SANCHEZ, LORENZO, BERTRAND and WELDON, through their

11-cv-5845 (LTS) (JCF)

ANSWER OF DEFENDANTS MASSEY,  
DECLET, ARKHURST,  
LORENZO, BERTRAND, WELDON,  
SANTIAGO and SANCHEZ TO  
SECOND AMENDED COMPLAINT

attorneys, PELTZ & WALKER, for an answer to the second amended complaint upon information and belief state as follows:

1. Deny each and every allegation contained in paragraph numbered "1" of the second amended complaint.

2. Deny each and every allegation contained in paragraph numbered "2" of the second amended complaint.

3. Deny each and every allegation contained in paragraph numbered "3" of the second amended complaint.

4. Deny each and every allegation contained in paragraph numbered "4" of the second amended complaint.

5. Deny each and every allegation contained in paragraph numbered "5" of the second amended complaint.

6. Deny each and every allegation contained in paragraph numbered "6" of the second amended complaint.

7. Deny each and every allegation contained in paragraph numbered "7" of the second amended complaint, except admit that plaintiffs are proceeding as stated.

8. Deny each and every allegation contained in paragraph numbered "8" of the second amended complaint, except admit that plaintiffs stated the venue.

9. Deny each and every allegation contained in paragraph numbered "9" of the second amended complaint.

10. Deny each and every allegation contained in paragraph numbered "10" of the second amended complaint, except admit that defendants are employees of the Correction Department.

11. Deny each and every allegation contained in paragraph numbered "11" of the second amended complaint, except admit that defendants MASSEY and DECLET are captains in the Correction Department.

12. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "12" of the second amended complaint.

13. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "13" of the second amended complaint.

14. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "14" of the second amended complaint.

15. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "15" of the second amended complaint.

16. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "16" of the second amended complaint.

17. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "17" of the second amended complaint.

18. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "18" of the second amended complaint.

19. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "19" of the second amended complaint.

20. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "20" of the second amended complaint.

21. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "21" of the second amended complaint.

22. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "22" of the second amended complaint.

23. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "23" of the second amended complaint.

24. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "24" of the second amended complaint.

25. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "25" of the second amended complaint.

26. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "26" of the second amended complaint.

27. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "27" of the second amended complaint.

28. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "28" of the second amended complaint.

29. Deny each and every allegation contained in paragraph numbered "29" of the second amended complaint, except admit that plaintiffs allege class action status.

30. Deny each and every allegation contained in paragraph numbered "30" of the second amended complaint.

31. Deny each and every allegation contained in paragraph numbered "31" of the second amended complaint.

32. Deny each and every allegation contained in paragraph numbered "32" of the second amended complaint.

33. Deny each and every allegation contained in paragraph numbered "33" of the second amended complaint.

34. Deny each and every allegation contained in paragraph numbered "34" of the second amended complaint.

35. Deny each and every allegation contained in paragraph numbered "35" of the second amended complaint.

36. Deny each and every allegation contained in paragraph numbered "36" of the second amended complaint.

37. Deny each and every allegation contained in paragraph numbered "37" of the second amended complaint.



38. Deny each and every allegation contained in paragraph numbered "38" of the second amended complaint.

39. Deny each and every allegation contained in paragraph numbered "39" of the second amended complaint.

40. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "40" of the second amended complaint.

41. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "41" of the second amended complaint.

42. Deny each and every allegation contained in paragraph numbered "42" of the second amended complaint.

43. Deny each and every allegation contained in paragraph numbered "43" of the second amended complaint.

44. Deny each and every allegation contained in paragraph numbered "44" of the second amended complaint.

45. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "45" of the second amended complaint.

46. Deny each and every allegation contained in paragraph numbered "46" of the second amended complaint, except admit

that plaintiffs set forth a litany of case history in other matters.

47. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "47" of the second amended complaint.

48. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "48" of the second amended complaint.

49. Deny each and every allegation contained in paragraph numbered "49" of the second amended complaint.

50. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "50" of the second amended complaint.

51. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "51" of the second amended complaint.

52. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "52" of the second amended complaint.



53. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "53" of the second amended complaint.

54. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "54" of the second amended complaint.

55. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "55" of the second amended complaint.

56. Deny each and every allegation contained in paragraph numbered "56" of the second amended complaint.

57. Deny each and every allegation contained in paragraph numbered "57" of the second amended complaint.

58. Deny each and every allegation contained in paragraph numbered "58" of the second amended complaint.

59. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "59" of the second amended complaint.

60. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "60" of the second amended complaint.

61. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "61" of the second amended complaint.

62. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "62" of the second amended complaint.

63. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "63" of the second amended complaint.

64. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "64" of the second amended complaint.

65. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "65" of the second amended complaint.

66. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "66" of the second amended complaint.

67. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "67" of the second amended complaint.

68. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "68" of the second amended complaint.

69. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "69" of the second amended complaint.

70. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "70" of the second amended complaint.

71. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "71" of the second amended complaint.

72. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "72" of the second amended complaint.

73. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "73" of the second amended complaint.

74. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "74" of the second amended complaint.

75. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "75" of the second amended complaint.

76. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "76" of the second amended complaint.

77. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "77" of the second amended complaint.

78. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "78" of the second amended complaint.

79. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "79" of the second amended complaint.

80. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "80" of the second amended complaint.

81. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "81" of the second amended complaint.

82. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "82" of the second amended complaint.

83. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "83" of the second amended complaint.

84. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "84" of the second amended complaint.

85. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "85" of the second amended complaint.

86. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "86" of the second amended complaint.

87. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "87" of the second amended complaint.

88. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "88" of the second amended complaint.

89. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "89" of the second amended complaint.

90. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "90" of the second amended complaint.

91. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "91" of the second amended complaint.

92. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "92" of the second amended complaint.

93. Deny each and every allegation contained in paragraph numbered "93" of the second amended complaint.

94. Deny each and every allegation contained in paragraph numbered "94" of the second amended complaint.

95. Deny each and every allegation contained in paragraph numbered "95" of the second amended complaint.

96. Deny each and every allegation contained in paragraph numbered "96" of the second amended complaint.

97. Deny each and every allegation contained in paragraph numbered "97" of the second amended complaint.

98. Deny each and every allegation contained in paragraph numbered "98" of the second amended complaint.

99. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the



allegations contained in paragraph numbered "99" of the second amended complaint.

100. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "100" of the second amended complaint.

101. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "101" of the second amended complaint.

102. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "102" of the second amended complaint.

103. Deny each and every allegation contained in paragraph numbered "103" of the second amended complaint.

104. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "104" of the second amended complaint.

105. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "105" of the second amended complaint.

106. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "106" of the second amended complaint.

107. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "107" of the second amended complaint.

108. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "108" of the second amended complaint.

109. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "109" of the second amended complaint.

110. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "110" of the second amended complaint.

111. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "111" of the second amended complaint.

112. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "112" of the second amended complaint.

113. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "113" of the second amended complaint.

114. Deny each and every allegation contained in paragraph numbered "114" of the second amended complaint.

115. Deny each and every allegation contained in paragraph numbered "115" of the second amended complaint.

116. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "116" of the second amended complaint.

117. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "117" of the second amended complaint.

118. Deny each and every allegation contained in paragraph numbered "118" of the second amended complaint.

119. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "119" of the second amended complaint.

120. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "120" of the second amended complaint.

121. Deny each and every allegation contained in paragraph numbered "121" of the second amended complaint.

122. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "122" of the second amended complaint.

123. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "123" of the second amended complaint.

124. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "124" of the second amended complaint.

125. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "125" of the second amended complaint.

126. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "126" of the second amended complaint.

127. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "127" of the second amended complaint.

128. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "128" of the second amended complaint.

129. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "129" of the second amended complaint.

130. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "130" of the second amended complaint.

131. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "131" of the second amended complaint.

132. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "132" of the second amended complaint.

133. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "133" of the second amended complaint.

134. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "134" of the second amended complaint.

135. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "135" of the second amended complaint.

136. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "136" of the second amended complaint.

137. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "137" of the second amended complaint.

138. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "138" of the second amended complaint.

139. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "139" of the second amended complaint.

140. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "140" of the second amended complaint.

141. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "141" of the second amended complaint.

142. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "142" of the second amended complaint.

143. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "143" of the second amended complaint.



144. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "144" of the second amended complaint.

145. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "145" of the second amended complaint.

146. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "146" of the second amended complaint.

147. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "147" of the second amended complaint.

148. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "148" of the second amended complaint.

149. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "149" of the second amended complaint.

150. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "150" of the second amended complaint.

151. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "151" of the second amended complaint.

152. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "152" of the second amended complaint.

153. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "153" of the second amended complaint.

154. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "154" of the second amended complaint.

155. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "155" of the second amended complaint.

156. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "156" of the second amended complaint.

157. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "157" of the second amended complaint.

158. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "158" of the second amended complaint.

159. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "159" of the second amended complaint.

160. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "160" of the second amended complaint.

161. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "161" of the second amended complaint.

162. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "162" of the second amended complaint.

163. Deny each and every allegation contained in paragraph numbered "163" of the second amended complaint.

164. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "164" of the second amended complaint.

165. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "165" of the second amended complaint.

166. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "166" of the second amended complaint.

167. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "167" of the second amended complaint.

168. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "168" of the second amended complaint.

169. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "169" of the second amended complaint.

170. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "170" of the second amended complaint.

171. Deny each and every allegation contained in paragraph numbered "171" of the second amended complaint.

172. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "172" of the second amended complaint.

173. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "173" of the second amended complaint.

174. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "174" of the second amended complaint.

175. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "175" of the second amended complaint.

176. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "176" of the second amended complaint.

177. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "177" of the second amended complaint.

178. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "178" of the second amended complaint.

179. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "179" of the second amended complaint.

180. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "180" of the second amended complaint.

181. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "181" of the second amended complaint.

182. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "182" of the second amended complaint.

183. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "183" of the second amended complaint.

184. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "184" of the second amended complaint.

185. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "185" of the second amended complaint.

186. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "186" of the second amended complaint.



187. Deny each and every allegation contained in paragraph numbered "187" of the second amended complaint.

188. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "188" of the second amended complaint.

189. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "189" of the second amended complaint.

190. Deny each and every allegation contained in paragraph numbered "190" of the second amended complaint.

191. Deny each and every allegation contained in paragraph numbered "191" of the second amended complaint.

192. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "192" of the second amended complaint.

193. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "193" of the second amended complaint.

194. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "194" of the second amended complaint.

195. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "195" of the second amended complaint.

196. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "196" of the second amended complaint.

197. Deny each and every allegation contained in paragraph numbered "197" of the second amended complaint.

198. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "198" of the second amended complaint.

199. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "199" of the second amended complaint.

200. Deny each and every allegation contained in paragraph numbered "200" of the second amended complaint.

201. Deny each and every allegation contained in paragraph numbered "201" of the second amended complaint.

202. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "202" of the second amended complaint.

203. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "203" of the second amended complaint.

204. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "204" of the second amended complaint.

205. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "205" of the second amended complaint.

206. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "206" of the second amended complaint.

207. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "207" of the second amended complaint.

208. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "208" of the second amended complaint.

209. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "209" of the second amended complaint.

210. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "210" of the second amended complaint.

211. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "211" of the second amended complaint.

212. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "212" of the second amended complaint.

213. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "213" of the second amended complaint.

214. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "214" of the second amended complaint.

215. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "215" of the second amended complaint.

216. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "216" of the second amended complaint.

217. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "217" of the second amended complaint.

218. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "218" of the second amended complaint.

219. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "219" of the second amended complaint.

220. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "220" of the second amended complaint.

221. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "221" of the second amended complaint.

222. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "222" of the second amended complaint.

223. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "223" of the second amended complaint.

224. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "224" of the second amended complaint.

225. Deny each and every allegation contained in paragraph numbered "225" of the second amended complaint.

226. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the

allegations contained in paragraph numbered "226" of the second amended complaint.

227. Deny that they have any knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph numbered "227" of the second amended complaint.

228. Deny each and every allegation contained in paragraph numbered "228" of the second amended complaint.

229. Deny each and every allegation contained in paragraph numbered "229" of the second amended complaint.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

230. Plaintiffs have failed to state a cause of action upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

231. All or part of the injuries alleged were caused by the culpable conduct of the plaintiffs.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

232. If liable, these answering defendants' liability are limited by Article 16 of New York's Civil Practice Law and Rules.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

233. In the event plaintiffs recover a verdict or judgment against these answering defendants, said verdict or judgment should be reduced pursuant to New York's CPLR §4545(c) by



those amounts which have been or will, with reasonable certainty, replace or indemnify plaintiffs in whole or in part for any past or future claimed loss, from any collateral source.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

234. That, to the extent that the injuries of said plaintiffs, if any, were caused or contributed to, in whole or in part, by intervening and superseding causative factors, the claims of said plaintiffs against these defendants should be barred.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

235. Plaintiffs' claims herein are barred and/or must be diminished as a result of said plaintiffs' failure to exercise reasonable care in mitigation of their damages.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

236. Punitive damages cannot be recovered against a municipality or its servants and employees.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

237. These defendants acted reasonably and in good faith throughout the incident alleged in the second amended complaint.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

238. The second amended complaint and each and every cause of action alleged therein should be dismissed due to these defendants' absolute immunity.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

239. The second amended complaint and each and every cause of action alleged therein should be dismissed due to these defendants' qualified immunity.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

240. Plaintiffs are not entitled to the recovery of counsel fees or other legal expenses incurred in the commencement and prosecution of this action.

AS AND FOR A TWELFTH AFFIRMATIVE DEFENSE

241. In the event plaintiffs recover a verdict or judgment against these answering defendants, said verdict or judgment should be reduced pursuant to New York's G.O.L. §15-108 by those amounts which have been or will, with reasonable certainty, be paid by co-defendants in partial settlement of this action.

AS AND FOR A THIRTEENTH AFFIRMATIVE DEFENSE

242. The claims set forth in the second amended complaint are barred by applicable statutes of limitations.

AS AND FOR A FOURTEENTH AFFIRMATIVE DEFENSE

243. Plaintiffs' claims herein are barred by the Doctrines of Laches, Estoppel and Waiver and these defendants have been substantially prejudiced by delay in the filing of this action.

AS AND FOR A FIFTEENTH AFFIRMATIVE DEFENSE

244. Plaintiffs' claims are barred by the terms of the Prison Litigation Reform Act.

AS AND FOR A SIXTEENTH AFFIRMATIVE DEFENSE

245. The Court lacks personal jurisdiction over these defendants.

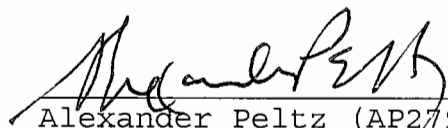
AS AND FOR A SEVENTEENTH AFFIRMATIVE DEFENSE

246. Plaintiffs are without standing to bring the claims asserted in the second amended complaint.

WHEREFORE, defendants MASSEY, DECLET, ARKHURST, SANTIAGO, SANCHEZ, LORENZO, BERTRAND and WELDON, demand judgment dismissing the second amended complaint together with costs and disbursements of this action and for such other relief that this Court may allow.

Dated: New York, New York  
February 28 2013

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